

# Akin Gump

STRAUSS HAUER & FELD LLP

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September 13, 2017

VIA ELECTRONIC COURT FILING

Honorable Robert F. Kelly  
United States District Court  
Eastern District of Pennsylvania  
United States Courthouse  
601 Market Street, Room 11613  
Philadelphia, Pennsylvania 19106

Re: *Eddystone Rail Company, LLC v. Bridger Logistics, LLC et al.*, C.A. No. 2:17-cv-00495-RK

Dear Judge Kelly:

As Your Honor is aware, we are counsel to Defendants Bridger Logistics, LLC, Ferrellgas Partners, L.P., and Ferrellgas L.P. (together, the “BL/FG Defendants”) in the above-referenced action. The BL/FG Defendants filed their respective Answers and Defenses to Complaint and Counterclaims against Eddystone Rail Company (“ERC”) on August 10, 2017 [ECF Nos. 67 & 68], and, in response, ERC filed its Motion to Dismiss Counterclaims and to Strike Affirmative Defenses on August 31, 2017 (“Motion to Dismiss”) [ECF No. 71].

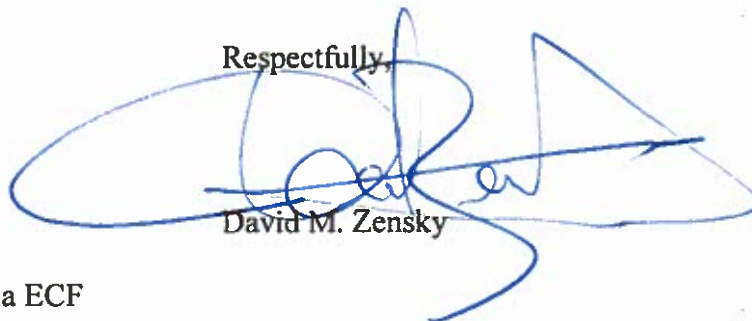
We write respectfully to inform the Court that, pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), the BL/FG Defendants intend to amend and file their amended pleading on September 21, 2017. The amended pleading will moot the Motion to Dismiss and obviates the need to file an opposition to the Motion to Dismiss. Accordingly, the BL/FG Defendants will not be filing an opposition to the Motion to Dismiss. Counsel for the BL/FG Defendants informed counsel for plaintiff ERC of our intent to amend the pleading in a communication dated September 12, 2017.

The BL/FG Defendants reserve all rights with respect to the alleged facts and contentions raised in the Motion to Dismiss and all rights to respond to any subsequent motion raising the same or similar issues.

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Respectfully,

A handwritten signature in blue ink, appearing to read "David M. Zensky", is written over the word "Respectfully,". The signature is stylized with large loops and a long horizontal stroke extending to the right.

David M. Zensky

Cc: All counsel of record via ECF